

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

Handwritten Signature
SOUTHERN DISTRICT OF TEXAS
OCT 12 2016
David J. Bradley, Clerk of Court

VICTORIA DIVISION

UNITED STATES OF AMERICA

§
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§
§

v.

CRIMINAL NO. V-16-MJ-64

RAMON DE LA CRUZ

MOTION FOR STAY OF RELEASE OF DEFENDANT PENDING
REVIEW OF ORDER OF RELEASE PURSUANT TO 18 U.S.C. § 3145(a)(1)

COMES NOW, the United States of America, by and through Kenneth Magidson, the United States Attorney for the Southern District of Texas, and Patti Hubert Booth, Assistant United States Attorney, and files this **Motion for Stay of Release of Defendant Pending Review of Order of Release pursuant to 18 U.S.C. § 3145(a)(1)**.

I.

On October 12, 2016, a detention hearing was held in the Southern District of Texas, Corpus Christi Division. After an evidentiary hearing, United States Magistrate Jason B. Libby, granted the defendant bond in this case.

II.

The government will file a **Motion for Review and Revocation of Order of Release pursuant to 18 U.S.C. § 3145(a)(1) by October 17, 2016**.

III.

The review by the district judge of an order of release is de novo. *United States v. Fortna*, 769 F.2d 243, 249 (5th Cir. 1985), *United States v Delker*, 757 F.2d 1390, 1394 (3d Cir. 1985)

citing *United States v. Thibodeaux*, 663 F.2d 520 (5th Cir. 1981). The continued detention of a defendant pending review of a magistrate judge's pretrial order is proper. *United States v. Huckabay*, 707 F.Supp. 35, 37 (D.Me 1989). Since the government is afforded a de novo review on this issue, the government respectfully moves the Court to grant a stay of the order of release.

DATED this 12th day of October 12, 2016.

Respectfully submitted,

KENNETH MAGIDSON
UNITED STATES ATTORNEY

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CERTIFICATE OF SERVICE AND CONSULTATION

I, Patti Hubert Booth, Assistant United States Attorney, hereby certify that I have contact Mr. G. Allen Ramirez, attorney for the defendant, Ramon DeLaCruz, concerning this Motion For Stay of Release of Defendant and Mr. Ramirez is opposed. Additionally, I hereby certify that a true and correct copy of the foregoing Motion For Stay of Release Of Defendant and the proposed Order have been delivered to Mr. Ramirez on this 12th day of October, 2016.

Patti Hubert Booth
PATTI HUBERT BOOTH
Assistant United States Attorney